

## CHINA REMAINS

### Government Declines to Issue Permanent Register.

#### CASE MAY GO TO COURT TODAY

#### Col. Macfarlane Insists on Rights as Citizen.

Permission Issued for Vessel to Continue This Voyage Under Hawaiian Flag.

The big steamer China is still up against dock, like the man without a country. The Cabinet met yesterday, and unanimously decided that Colonel Macfarlane should not have the permanent register, which he had demanded the day before with some gusto. The Government decided, however, to let the Colonel down as easy as possible and give him a chance to get his steamer back under the British flag—if possible. There's always an if in matters of this nature, and where the Admiralty laws of Great Britain are touched the "if" comes out in bold, black type.

The Government decided to endorse Consul Hopkins' now famous sea letter and give the owner of the steamer a chance to get back her British register. This endorsement provided for a voyage to Hong Kong and return to San Francisco or Honolulu, as the captain might prefer, but the rights under the letter ceased when the vessel reached either port. It does not give the captain the right to take the vessel to San Francisco and back to Honolulu.

When this tender was made to Colonel Macfarlane he declined peremptorily and emphatically to receive it, and said the engines should not turn over until he had received a permanent Hawaiian register. The Government was just as firm as the Colonel and volunteered an explanation. Then the Colonel forgot for the moment that he held the ownership of a vessel, worth in round numbers, \$1,500,000, for which he had paid, according to Consul Hopkins, just five shillings. When told what this Government would do, the Colonel remarked that he could not accept until he had "communicated with the owners." This little discrepancy was noted by one of the Ministers, and Colonel Macfarlane's attention called to it. Then he said he was "acting under instructions."

The five shillings purchase price was repudiated by Minister Damon, probably because he, as a financier, could not see the wisdom of anyone loaning \$200,000 on a piece of property for which five shillings had been paid. Colonel Macfarlane agreed that it was a little out of proportion, and consented to have the value set at \$400,000, which, with the mortgage at half that sum, makes it necessary for the owner to pay stamp duties in the sum of \$2,000 for the transfer.

Up to the hour of closing the Government offices yesterday, neither Colonel Macfarlane or his attorney, General Hartwell, had accepted the Government's offer, and it was rumored that a mandamus would be asked for this morning to compel the Government to issue the register on the ground that all points in the law had been complied with, and that the registered owner is an Hawaiian citizen.

This will go into the Circuit Court, and whichever side loses will at once appeal to the Supreme Court. Here it may linger three days or three weeks, and if Colonel Macfarlane carries out his intention "not to turn over the engines until the permanent register is issued," the passengers on the China will have ample time and opportunity to study the beauties of Honolulu.

The Government is willing to let the entire matter rest until it can ascertain the feelings of the people at Washington. The Government gave assurances that no foreign vessels would be given a Hawaiian register. These assurances were repeated in July, but the application for the register for the China was made in London in May last. If the Government at Washington will consider that the Hawaiian Government is not breaking faith with it, there is a probability that the permanent register will be granted. The application having been made several months before the treaty was presented to the Senate may influence the Washington Government.

The point on which Colonel Macfarlane probably bases his claim for register contained in Chapter 69, Section 988, of the Civil Laws:

"No vessel shall be entitled to register in this Republic, or to be deemed a Hawaiian vessel, and entitled to the privileges appertaining thereto, unless such vessel be wholly owned by a citizen or citizens of this Republic; provided, however, that any vessel fitted out for the prosecution of the whale or seal fishery, may be registered in the name of any part owner of such vessel, actually domiciled in this Republic, whether a citizen or not."

Sections 1,000 and 1,061, of the same chapter, provides for the method of ac-

quiring a register for a foreign vessel. The first says: "Upon application being made for the registry of any foreign-built vessel, unless such vessel shall have been sold under a judicial decree of some court of this Republic, the Collector-General shall notify the Minister of Foreign Affairs of such application; and it shall be the duty of said Minister to inquire, officially, of the accredited representative, or Consul, if such there be in this Republic, of the nation to which said vessel belongs, whether any legal impediment exists to her registry; and upon receipt of a reply, he shall communicate the same to the Collector-General for his guidance."

Section 1,061 says: "The Collector-General shall, upon ascertaining the tonnage of any vessel intended to be registered, and being satisfied that no legal impediment exists to her registry, proceed to register the same in his office, as a Hawaiian vessel, and shall issue to the applicant therefor a certificate of such registry, in the following form, etc."

As the China did not sail yesterday as advertised, and from Colonel Macfarlane's remarks yesterday, it may be inferred that he will fight, and the Government will fight back.

#### C. D. Bryant Arrives.

The American bark C. D. Bryant, Colly master, arrived in port yesterday, 19½ days from Laysan Island with a cargo of 1,400 tons of guano for H. Hackfeld & Co. Fine weather was experienced throughout the trip.

It is always gratifying to receive testimonials for Chamberlain's Colic, Cholera and Diarrhoea Remedy, and when the endorsement is from a physician it is especially so. "There is no more satisfactory or effective remedy than Chamberlain's Colic, Cholera and Diarrhoea Remedy," writes Dr. R. E. Robey, physician and pharmacist, of Olney, Mo.; and as he has used the Remedy in his own family and sold it in his drug store for six years, he should certainly know. For sale by all druggists and dealers; Benson, Smith & Co., wholesale agents for Hawaiian Islands.

#### WHARF AND WAVE.

The U. S. S. Bennington arrived in San Diego August 1st.

The Adam W. Spies cleared from New York for this port July 26th.

The schooner Aloha sailed from San Francisco for this port August 2d.

The C-A. R. M. S. S. Aorangi will not arrive from the Colonies before August 25th.

SYDNEY, N. S. W., August 3.—The steamship Mariposa sailed from San Francisco today with 450,000 sovereigns.

The schooner John G. North, for Honolulu, and the barkentine Archer, for this port, are the latest charters at San Francisco.

The talk along the water front yesterday was largely on the articles in the San Francisco papers regarding the Lena L.

On account of complications regarding the China's flag, that steamer was unable to get away yesterday. She will sail at 4 p. m. today.

After a complete overhauling, the Ke Au Hou left for Kaula again yesterday afternoon, with a load of 100 tons of coal for Waimea plantation.

The American barkentine W. H. Dimond, Nilson master, sailed from San Francisco Tuesday with a cargo of 7,017 bags of sugar, 2,300 bags of rice and 185 barrels of whiskey.

In a letter stated from New York, July 29th, the skipper of the ship W. F. Babcock wrote that he was about to leave for Baltimore to load coal for this port. It was expected that the Babcock would sail on or about August 15th.

The American bark Martha Davis, Friis master, arrived in port early Tuesday morning, 13 days from San Francisco, with a cargo of general merchandise, consigned to C. Brewer & Co. Fine weather was experienced throughout the trip.

#### SHIPPING INTELLIGENCE.

##### ARRIVALS.

Tuesday, August 10.

Am. bark Martha Davis, Friis, from San Francisco.

Am. bark C. D. Bryant, Colly, from Laysan Island.

Stmr. Noeau, Pederson, from Hamakua.

Wednesday, August 11.

P. M. S. S. China, Seabury, from San Francisco.

Stmr. J. A. Cummins, Searle, from Oahu ports.

Stmr. Kaala, Mosher, from Oahu ports.

##### DEPARTURES.

Tuesday, August 10.

Stmr. Claudine, Cameron, for Maui ports.

Stmr. Kinau, Clarke, for Maui and Hawaii ports.

Stmr. Mikahala, Haglund, for ports on Kaula.

Stmr. W. G. Hall, Haglund, for Kaula ports.

Stmr. James Makee, Tulett, for Hanalei and Windward Kaula.

Am. bktn. W. H. Dimond, Nilson, for San Francisco, with cargo of sugar and rice.

Wednesday, August 11.

Jap. train. ship Hiyel, Ueyamura, for Yokohama.

Am. bark Ceylon, Calhoun, for San Francisco.

Am. bktn. S. G. Wilder, McNeil, for San Francisco.

Stmr. Kilauea, Hou, Weir, for Olo-walu and Kaula.

Stmr. Helene, Freeman, for Hawaii ports.

Thursday, August 12.

Stmr. J. A. Cummins, Searle, for Oahu ports.

Stmr. Noeau, Pederson, for Lahaina, Honokaa and Kukuhihale.

Stmr. Ke Au Hou, Thompson, for ports on Kaula.

#### VESSELS LEAVING TODAY.

P. M. S. S. China, Seabury, for China and Japan, at 4 p. m.

H. B. M. S. Penguin, Field, for Fanning's Island.

#### PASSENGERS.

##### Arrivals.

For Kaula, per stmr. Waleale, August 10.—L. M. Vettesen.

From Hamakua, per stmr. Noeau, Aug. 10.—Mrs. E. South, Miss M. South and 12 on deck.

From Laysan Island, per bk. C. D. Bryant, Aug. 10.—Max Schlemmer and family.

From San Francisco, per bark Martha Davis, August 10.—C. A. Graham, E. P. Sullivan, Mr. Shutt and Miss K. Friis.

From San Francisco, per P. M. S. S. China, August 11.—Lieut. P. Andrews, U. S. N. Hon. S. M. Damon, D. A. Kramer, Lieut. T. S. Rodgers, U. S. N. Mr. H. A. Allen, Mr. George E. Faw, Col. G. W. Macfarlane, Rear Admiral Miller, U. S. N., Mr. C. H. Cooke, Miss J. Jennings, Mr. J. L. Stickney.

##### Departures.

For Maui ports, per stmr. Claudine, Aug. 10.—R. Berg, Sister Bonaventura, A. Waterhouse, G. E. Rugg, Miss Lucy Kaukau, Father James, Father Leibert, Pakala, Ella, Enos Kalua, W. L. Hardy, Miss Emily Johnson, Miss Ritchie, Mrs. A. K. Weir, J. C. Lenhart, Theo. Wolf, A. H. Crook, E. Capellas, L. R. Medeiros, Lucy Kahlonia, Lucy Lane, Mrs. Ables, Ahnanallili, S. J. Salter.

For Maui and Hawaii, per stmr. Kinau, Aug. 10.—Volcano: Geo. Shutt, H. W. Earle. Way ports: R. D. Walbridge, J. Renton, Miss N. Porter, Miss Bond, Miss Mudge, Miss Sunter, F. C. Le Blond and wife, J. Persida, Father Oliver, W. Isaac, J. H. Stelling, Father Paul, Father Bonaventura, Paul Jarrett, M. J. Gourea, P. H. Dodge and wife, Mrs. Ayana, Ah Young, Jno. Keshaw, Miss Severance, Miss Guild, G. W. Paty, J. Gibbs, G. E. Smithies.

For Kaula ports, per stmr. Mikahala, August 10.—Mrs. Robinson, A. Robinson, C. Gay, Miss Gay, F. Gay, Mr. Wassie and Anna Kaala.

For Kaula ports, per stmr. W. G. Hall, August 10.—Mrs. H. Isenberg, A. McBryde, W. P. Whitley, Miss Layman, E. Hutchinson, S. McKeague and wife, Miss Lohapa Kaleimakali, S. M. Bal-lou, M. Brach, Miss Smith, W. L. Stanley, Miss Fountain, Mrs. Schlemmer and children, Miss Minna Bourke, G. R. Harrison, C. M. Cooke, B. L. Marx, Father Sylvester and 30 on deck.

#### EXPORTS.

For San Francisco, per bktn. S. G. Wilder, August 11.—16,352 bags sugar, 2,035 bags rice, valued at \$65,124; shipped by F. A. Schaefer & Co., T. H. Davies & Co., Ltd., C. Brewer & Co., Ltd., and Castle & Cooke, Ltd.

Per bktn. W. H. Dimond, August 10.—7,017 bags sugar, 2,300 bags rice and 185 barrels whiskey, shipped by H. A. Widemann, Irwin & Co., Ltd., Hyman Bros., Gribbaum & Co. and H. M. von Holt.

Per bark Ceylon, August 11.—14,415 bags sugar, 1,895,675 pounds, valued at \$57,232.

#### FOREIGN MAIL SERVICE.

Steamships will leave for and arrive from San Francisco or Vancouver on or about the following dates in 1897:

ARRIVE LEAVE  
From San Francisco For San Francisco or Vancouver—  
Mowera . . . Aug. 16 . . . Coptic . . . Aug. 15  
Australia . . . Aug. 17 . . . Mariposa . . . Aug. 19  
Alameda . . . Aug. 26 . . . R. Janeiro . . . Aug. 24  
Aorangi . . . Aug. 31 . . . Aorangi . . . Aug. 25  
Peru . . . Aug. 31 . . . Australia . . . Aug. 25  
Coptic . . . Sept. 9 . . . Warrimoo . . . Sept. 3  
Australia . . . Sept. 14 . . . Peking . . . Sept. 22  
Mariposa . . . Sept. 23 . . . Moana . . . Sept. 16  
Warrimoo . . . Sept. 23 . . . Australia . . . Sept. 22  
Gaelic . . . Sept. 23 . . . Doric . . . Sept. 24  
Peking . . . Oct. 1 . . . Mowera . . . Oct. 1  
Australia . . . Oct. 12 . . . Belgic . . . Oct. 12  
Moana . . . Oct. 21 . . . Alameda . . . Oct. 14  
Mowera . . . Oct. 26 . . . Australia . . . Oct. 20  
China . . . Oct. 28 . . . Peru . . . Oct. 22  
Belgic . . . Nov. 6 . . . Aorangi . . . Oct. 29  
Australia . . . Nov. 9 . . . R. Janeiro . . . Nov. 11  
Alameda . . . Nov. 18 . . . Mariposa . . . Nov. 11  
Aorangi . . . Nov. 23 . . . Australia . . . Nov. 17  
Coptic . . . Nov. 25 . . . Gaelic . . . Nov. 19  
R. Janeiro . . . Dec. 4 . . . Warrimoo . . . Nov. 26  
Mariposa . . . Dec. 16 . . . Doric . . . Dec. 10  
Warrimoo . . . Dec. 21 . . . Australia . . . Dec. 15  
Peking . . . Dec. 25 . . . China . . . Dec. 19  
Mowera . . . Dec. 24

#### NOTICE TO MARINERS.

United States Branch Hydrographic Office, Merchants' Exchange, San Francisco, Cal.

Captains of vessels touching at any of the ports of the Hawaiian Islands, by communicating with the Branch Hydrographic Office in San Francisco, will be furnished with the Monthly Pilot Charts of the North Pacific, and with the latest information regarding the dangers of navigation in the regions which they frequent.

Nautical inquiries will be investigated and answered.

Mariners are requested to report to the office dangers discovered, or any other information which can be utilized for correcting charts or sailing directions, or in the publications of the Pilot Charts of the North Pacific.

W. S. HUGHES, Lieutenant, U. S. Navy, in Charge.

## BY AUTHORITY.

SALE OF LEASE OF GOVERNMENT LOTS NOS. 25 AND 26, BLOCK "B," HILO, HAWAII.

On Wednesday, September 15, 1897, at 12 o'clock noon, at the front entrance of the Executive Building, Honolulu, Oahu, will be sold at public auction, the lease of the following Government Lots in Block "B," Hilo, Hawaii, viz:

Lot 25—Upset Rental, \$150.00 per annum.

Lot 26—Upset Rental, \$240.00 per annum.

Rent payable quarterly in advance.

Term: Lease for 30 years.

This sale is upon the conditions provided for in Sections 2 and 4 of Act 7 of the Laws of 1896, viz:

Section 2. Every such lease shall contain a covenant on the part of the lessee that he shall during the first four years of the term of the lease cause to be erected upon the leased premises a fireproof building of brick, stone or metal, in a workmanlike manner, satisfactory to the Minister, at not less than a stated cost and keep the same suitably insured at not less than two-thirds of its value for the benefit of the lessor; and shall keep such building in good repair during the remainder of the term of the lease, reasonable use and wear thereof only excepted; and in case of damage or destruction of such building by fire shall make good such loss or damage by the necessary repairs or reconstruction or else surrender the insurance to the lessor.

Section 4. Every such lease shall also contain a covenant on the part of the lessor that upon the request in writing by the lessee or his representatives, before the expiration of the term thereof, the premises with the improvements shall, if all of the conditions to be performed by the lessee, have been satisfactorily performed, be put up at auction for a lease for a term of not over twenty years; unless said premises shall be required for public uses, of which the lessee shall receive at least one year's notice. Such auction sale shall be held not more than six months nor less than one month before the expiration of said term.

The cost of the buildings to be erected in accordance with Section 2, as above quoted, are as follows:

On Lot 25, not less than \$2,000.00.

On Lot 26, not less than \$3,000.00.

The material to be used in the erection of said buildings to be of brick or stone.

This sale is further conditioned that the purchaser of these leases will deliver to the Minister of the Interior a bond in the sum of \$1,250 for the faithful performance of the building clause in such leases.

Maps of these Lots can be seen at the Interior Department and at the office of A. B. Lobenstein, Hilo, Hawaii.

J. A. KING, Minister of the Interior.

Interior Office, August 11, 1897.

1897-3t

#### PUBLIC LANDS NOTICE.

On MONDAY, August 23rd, at 10 a. m., at the office of Chas. Williams, Honokaa, will be opened for application under provisions of land act for right of purchase leases and cash freeholds, or under special terms as to cultivation and improvement, 24 lots in Neupea and vicinity, Hamakua.

For plans and further particulars apply to Chas. Williams, Honokaa, or at office of Public Lands, Honolulu.

J. F. BROWN, Agent Public Lands.

Dated August 6, 1897.

1897-1d

#### PUBLIC LANDS NOTICE.

On Monday, August 23d, at 10 a. m., at office of W. O. AIKEN, Paia, Maui, will be open for application, under provisions of the Land Act for Homestead Leases, 22 lots in Kahakula, Maui, of from 5 to 40 acres each in area.

Under provisions of Land Act for Right of Purchase Leases and Cash Freeholds, 9 lots of from 50 to 275 acres in area.

For plans and further particulars apply to W. O. AIKEN, Paia, Maui, or at Office of Public Lands, Honolulu.

J. F. BROWN, Agent Public Lands.

1897-1d

#### SEALED TENDERS.

Will be received at the office of the Minister of the Interior till 12 o'clock noon of WEDNESDAY, August 25, 1897, for the construction of Roads in South Kona and Kau, Hawaii.

Plans and specifications at the office of the Superintendent of Public Works, also at Post Offices in Kailua, Hoonah and Waiohinu.

The Minister does not bind himself to accept the lowest or any bid.

J. A. KING, Minister of the Interior.

Interior Office, August 4, 1897.

1897-3t

## THIS DAY.

COMMISSIONER'S SALE OF LANDS SITUATE IN THE DISTRICT OF LAHAINA, ISLAND OF MAUI.

Pursuant to a decree made by Hon. A. W. Carter, First Judge of the Circuit Court of the First Judicial Circuit, filed the 14th day of July, 1897, in a cause entitled Claus Spreckels & Co. and Cecil Brown, Administrators with the will annexed of the estate of Walter Murray Gibson, deceased, versus Kia Nahaolelua and E. K. Nahaolelua, foreclosure proceedings, notice is hereby given that the property herein described will be sold at public auction at the salesroom of James F. Morgan, Queen Street, Honolulu, on FRIDAY, August 13th, 1897, at 12 o'clock noon. The said sale subject to the confirmation by the said Circuit Court.

#### PROPERTY TO BE SOLD.

1. Land at Pakaloa, Lahaina, containing 1 ruda 5 roda, and described by metes and bounds in Royal Patent number 5706, Kuleana Helu 373 to S. Laahili, and conveyed by Laahili to P. Nahaolelua, by deed dated April 2, 1872, of record in book 34, page 383, to which patent reference is hereby made for better descriptions;

2. Also that land at Puako, Lahaina, containing three perches, and described by metes and bounds in Royal Patent number 5646, Kuleana Helu 6325 to M. Kekauonohi, and also being the same premises described in deed of T. W. Everett and E. P. Bond, Administrators of John Richardson to P. Nahaolelua, dated September 15th, 1880, of record March 28th, 1887, book—page—, to which deed and Royal Patent reference is hereby made for better descriptions;

3. Also that land at Pakala, Lahaina, described by metes and bounds in Royal Patent 1194, Kuleana Helu 478 to Piko, and being the same premises conveyed to P. Nahaolelua by Kuana (k) and Haaloa (w) his wife, by deed dated September 12th, 1872, of record in book 33, page 311;

4. Also all buildings on each and all said above granted parcels of land. The property will be sold by parcels. Terms cash, in U. S. Gold Coin. Deeds at expense of purchaser. For further information and full particulars of the above property, apply at the office of Kinney & Ballou, Fort Street, Honolulu, July 19, 1897.

JAMES A. THOMPSON, Commissioner.

1897-2t 4684-2t

#### COMMISSIONER'S SALE OF VALUABLE REAL ESTATE.

By virtue of an order issued by the Hon. A. W. Carter, First Judge of the Circuit Court of the First Judicial Circuit, in the partition suit entitled Maria Ena and others versus Lot K. Lane, heirs at law of the late Mary Lane, deceased, the undersigned, as Commissioner in said cause, will sell at public auction on MONDAY, AUGUST 16, 1897, at 12 o'clock noon, at the mauka entrance to the Judiciary Building in Honolulu, all of the following described lands, namely:

1. R. P. 5304 of L. C. A. 10,329 to Nuhli, situate in Kealia 2, South Kona, Hawaii, containing 4.25 acres, more or less.

2. R. P. 7038 of L. C. A. 687 to Waa, situate in Waialea, Waikiki, Honolulu, Oahu, containing ¼ of an acre, more or less.

3. R. P. 876 of L. C. A. 2699 to We-wehe for Keaweunahala, situate in Kawaihoa, Waialea, Oahu, 6 apanas, containing six acres, more or less.

4. Apana 2 of L. C. A. 7722 to Hoo-kala in Ukoa, Kawaihoa, Waialea, Oahu, containing 26-100 of an acre, more or less.

5. Also the undivided interest of said Lane heirs in and to the Ahupuaa of Waimea, Koolauloa, Island of Oahu, containing 400 acres, more or less.

Deeds will be at the expense of purchasers; terms, cash, in U. S. gold.

For further particulars, apply to HENRY SMITH, Commissioner, at the Judiciary Building, Honolulu.

1897-1d

#### IN THE CIRCUIT COURT OF THE Fourth Circuit, Hawaiian Islands.

In the matter of the application of C. Lehmann, a bankrupt. Petition in bankruptcy.

On reading and filing the petition of C. Lehmann, of Honokaa, Hamakua, Hawaii,

That he is indebted to divers persons in the sum of \$565, that he is bankrupt and unable to meet his engagements with his creditors.

Wherefore he prays that he may be adjudged a bankrupt, and that such orders may be made herein as may be necessary.

It is ordered that Monday, the 23d day of August, A. D. 1897, at 9 o'clock a. m., be and hereby is appointed for hearing said petition before the said Circuit Judge, in the court room of this Court, at Hilo, Hawaii, at which time and place all persons concerned may appear and show cause, if any they have, why such petition should not be granted.

Dated Hilo, July 24, 1897.

By the Court: DANIEL PORTER, Clerk.

1897-3tF

#### IN THE CIRCUIT COURT OF THE First Circuit, Hawaiian Islands.

John D. Spreckels and Adolph B. Spreckels vs. A. G. Hawes and George Lycurgus.

The Republic of Hawaii: To the Marshal of the Hawaiian Islands